

AMENDED IN SENATE MAY 4, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 240

Introduced by Assembly Member Monning

February 10, 2009

An act to amend Sections 2 and 3 of Chapter 188 of the Statutes of 1999, relating to conveyances.

LEGISLATIVE COUNSEL'S DIGEST

AB 240, as amended, Monning. Conveyances: DeLaveaga Park.

Existing law requires all real property within the DeLaveaga Park Property owned by the state, other than that portion leased to the City of Santa Cruz, to be used for a National Guard camp of instruction and, if that use is determined by the Adjutant General to be no longer necessary for that purpose, requires the Department of General Services to reconvey the real property to the city, to be used in perpetuity for public recreational purposes. The department is also directed to convey to the city its fee interest in that portion of the DeLaveaga Park Property leased to the city to be used as a municipally owned public golf course, if the city simultaneously conveys in fee to the state the portion of the property that is leased to the state.

This bill would describe the portion of real property within the DeLaveaga Park Property leased to the City of Santa Cruz as comprising approximately 40 acres to be referred to as "the armory site," and make various conforming changes.

The bill would delete the provisions requiring the Department of General Services to reconvey the real property to the city if the Adjutant General determines the property to be no longer necessary for the purpose of a camp of instruction for the National Guard, and would

instead authorize the department, in that instance, to sell, lease, exchange, or otherwise convey the armory site subject to the condition that the property be used in perpetuity for public recreational purposes. It would specify that the City of Santa Cruz would have the first right to acquire in fee or by leasehold all or part of the armory site before the department offers it to a 3rd party for sale, lease, exchange, or other conveyance subject to the condition that the real property be used in perpetuity for public recreational purposes. It would specify that nothing in these provisions would be construed to preclude the continued use of the armory building for the provision of services to homeless persons.

The bill would also delete the provisions requiring the city to simultaneously convey in fee to the state the portion of the DeLaveaga Park Property that is leased to the state, and instead require the city to simultaneously quitclaim any interest it has in the armory site, ~~as a condition for the department conveying its fee interest in~~ *subject to mutually agreed upon terms among the Department of General Services, the Military Department, and the city, to include that* the portion of the park property leased to the city ~~to~~ be used as a municipally owned public recreational area. It would authorize, rather than direct, the department to convey its fee interest in this regard.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2 of Chapter 188 of the Statutes of 1999
2 is amended to read:
3 Sec. 2. (a) All real property within the DeLaveaga Park
4 Property owned in fee by the State of California, other than that
5 portion currently leased to the City of Santa Cruz, shall be used
6 by the state exclusively for a camp of instruction for the National
7 Guard. The real property used by the state for a camp of instruction,
8 comprising approximately 40 acres, shall be referred to as the
9 armory site for purposes of this section. If, however, the Adjutant
10 General determines that the armory site, within the foreseeable
11 future, will no longer be necessary for a National Guard camp of
12 instruction and notifies the Department of General Services of that
13 determination, the Department of General Services may sell, lease,
14 exchange, or otherwise convey the armory site, subject to the

1 condition that the real property be used in perpetuity for public
2 recreational purposes.

3 (b) (1) Notwithstanding any other provision of law, the City of
4 Santa Cruz shall have the first right to acquire in fee or by
5 leasehold, all or part of the armory site, prior to the Department
6 of General Services selling, leasing, exchanging, or otherwise
7 conveying the armory site to a third party pursuant to subdivision
8 (a).

9 (2) Any lease, exchange, or other conveyance of the armory site
10 to the City of Santa Cruz pursuant to this subdivision shall be
11 subject to the condition that the real property be used in perpetuity
12 for public recreational purposes. However, nothing in this section
13 shall be construed to preclude the continued use of the armory
14 building for the provision of services, including, but not limited
15 to, shelter services, to homeless persons.

16 (3) If the City of Santa Cruz does not acquire the entire armory
17 site pursuant to this subdivision, the Department of General
18 Services may sell, lease, exchange, or otherwise convey any
19 remaining portion of the armory site pursuant to subdivision (a).

20 (c) Notwithstanding any other provision of law that limits
21 reversionary rights to real property, including, but not necessarily
22 limited to, Chapter 5 (commencing with Section 885.010) of Title
23 5 of Part 2 of Division 2 of the Civil Code, title to the armory site
24 described in subdivision (a) shall revert to the possession, control,
25 and ownership of the state if any of the conditions for the use of
26 the armory site are violated. If the armory site is sold, leased,
27 exchanged, or otherwise conveyed, any conditions for the use of
28 the armory site prescribed in subdivision (a) shall be incorporated
29 in the instrument conveying the property.

30 SEC. 2. Section 3 of Chapter 188 of the Statutes of 1999 is
31 amended to read:

32 Sec. 3. (a) The Department of General Services, *with the*
33 *concurrence of the Adjutant General*, may convey to the City of
34 Santa Cruz its fee interest in that portion of the DeLaveaga Park
35 Property that the state is currently leasing to the city, comprising
36 approximately 83 acres, and that the city is currently using as part
37 of the DeLaveaga Golf Course, if the city simultaneously
38 quitclaims any interest it has in the armory site described in
39 subdivision (a) of Section 2 of this act. The state's conveyance to
40 the city shall be ~~conditioned upon~~ *subject to mutually agreed upon*

1 *terms among the Department of General Services, the Military*
2 *Department, and the city, to include that the real property being*
3 *shall be used as a municipally owned public golf course for as*
4 *long as the city determines and thereafter used, in perpetuity, as a*
5 *municipally owned public recreational area.*

6 (b) Notwithstanding any other provision of law that limits
7 reversionary rights to real property, including, but not necessarily
8 limited to, Chapter 5 (commencing with Section 885.010) of Title
9 5 of Part 2 of Division 2 of the Civil Code, title to the property
10 described in subdivision (a) shall revert to the possession, control,
11 and ownership of the state if any of the conditions for the use of
12 that real property are violated. If the property is conveyed to the
13 City of Santa Cruz, any conditions for the use of that property
14 prescribed in subdivision (a) shall be incorporated in the instrument
15 conveying the property to the City of Santa Cruz.